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ZNR UUUUU ZZH  
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FM AMEMBASSY KABUL  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8260  
INFO RUCNAFG/AFGHANISTAN COLLECTIVE IMMEDIATE

UNCLAS SECTION 01 OF 02 KABUL 000866

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E.O. 12958: N/A  
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SUBJECT: MAJORITY OF MPS SUPPORT COURT STATEMENT ON  
KARZAI'S INTERIM AUTHORITY

11. (SBU) SUMMARY. A majority of MPs in both houses of Parliament voiced support for the Supreme Court's March 31 statement backing President Karzai's remaining in office following the May 22 constitutional expiration of his term. An overwhelming number of Upper House MPs and a majority of Lower House MPs supported Karzai remaining in office, though there were no official resolutions because neither chamber had a quorum in sessions early this week. Negative comments were more prevalent in the Lower House, where a sizable minority continues to object to Karzai remaining in office after his term ends. Leaders of both houses - Upper House Speaker Sebghatullah Mojaddedi and Lower House Speaker Yunus Qanooni - were out of the country and did not participate in the debates, though Mojaddedi told fellow MPs by phone that he supported the Court's statement.

Upper House Overwhelmingly Backs Karzai, Supreme Court  
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12. (SBU) Upper House MPs were nearly unanimous in support of a March 31 Supreme Court statement backing Karzai's right to remain in office after the May 22 constitutional expiration of his term, and through to the inauguration of the next president. The house lacked a quorum due to poor attendance, but observers estimated 90 percent of senators present supported the Supreme Court statement. Those voicing support, including Deputy Speaker Hamed Gailani (Paktia, Pashtun) and Deputy Secretary Abdul Hussein (Laghman, Pashtun), said the government needed to have strong leadership during the summer months, when Taliban and other insurgent groups were at their strongest. Gailani reversed his earlier position of seating a caretaker government, led by Mojaddedi or another consensus choice. Opponents of the Court's statement, as well as some supporters, voiced concern that Karzai would unduly exploit the advantages of incumbency for his re-election campaign.

13. (SBU) Mojaddedi, in Turkey for medical treatment, called MPs and spoke with a BBC Pashto reporter to voice his support for the decision. In his statement to the press, Mojaddedi requested "all political, legal, and social organizations to support the Supreme Court statement." The comments mark a reversal from Mojaddedi's privately stated desire to serve as caretaker president, a role he took on in 1992 and, by many accounts, with which he had great difficulty.

Lower House Largely Supportive, But Dissenters Vocal  
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14. (SBU) Although a majority of Lower House MPs appeared to back the Supreme Court's statement, opposition was more vocal than in the Upper House. As in the Upper House, a lack of a quorum forestalled an official vote on the court's action. Speaker Qanooni, a leading critic of Karzai staying on after May 22, was also not present, minimizing his influence in the debate.

15. (SBU) Supporters included MP Sayed Mohabat Shah Kashani (Badakhshan, Tajik), who said any other choice to lead the

country during the interim period would lead to more problems than keeping Karzai on. MP Mohammad Aref Noorzai (Kandahar, Pashtun) said alternatives to Karzai were equally unconstitutional, as there was no legal authority for a caretaker government to assume power. MP Roshanak Wardak (Wardak, Pashtun) said Karzai had been elected by the people, and thus had more claim to interim authority than an appointed caretaker.

¶6. (SBU) Opponents included several long-time Karzai critics, many with connections to Qanooni's United Front bloc. MP Alam Sahee (Takhar, Uzbek) said the Supreme Court's finding had no legal bearing, as it was only a statement and not an official legal decree. Thus, it had the same weight as the Lower House's earlier non-binding resolution opposing Karzai remaining in office beyond his legal term. MP Fazel Karim Aimaq (Kunduz, Tajik) accused the Supreme Court of being biased toward Karzai and incapable of making an impartial decision. MP Fazlullah Mojaddedi (Logar, Tajik, and not a close relation to the Upper House speaker) was the only MP to call for public protests of the court's decision.

Positive Development for Stability

¶7. (SBU) The generally positive comments from legislators this week should temper the political climate as we get closer to May 22. Although it is unlikely the Lower House will weigh in with official support for Karzai's interim authority, it's also unlikely either house will pass a resolution opposing the court's statement. Qanooni may yet have a few cards to play, and could seek to draw out

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parliamentary debate and keep negative comments regarding the president's authority in the media. Still, Parliament's reaction this week to the court statement gives us some hope for reduced likelihood of organized protests and violence of Karzai's authority over the summer.  
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